

May 23, 2005  
Case No.: 9250/3  
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**-- REMARKS --**

Claims 1, 2, 4-8, and 15-27 are currently pending. Claims 1 and 5 have been amended to more particularly point out and distinctly claim the present invention. Claims 9-14 have been cancelled and new claims 15-27 have been added. No new matter has been added with the amendment. All rejections on the merits are traversed herein.

A. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Douglas, U.S. Patent No. 6,629,949;

The Examiner's rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Douglas, is traversed. Independent claim 1 has been amended by the present amendment. No new matter has been introduced with the amendment of claim 1. Support for the amendment of claims 1 may be found on page 5 line 11 to page 6 line 10 and FIGS. 1 and 2.

The Applicant has thoroughly considered Examiner Mendez's remarks concerning the patentability of claim 1 over U.S. Patent No. 6,629,949 to Douglas, (hereinafter "the Douglas patent"). The Applicant has also thoroughly read the Douglas patent. In order for the Douglas patent to anticipate the invention as presently claimed in amended claim 1, the Douglas patent must disclose, teach, or suggest each and every claimed element of the Applicant's invention. The Douglas patent does not disclose, teach, or suggest, at a minimum, a flexible delivery tube including a central lumen, a closed first end and an open second end and a flexible planar support base attached adjacent a first end of the delivery tube, the support base having a first side for supporting the flexible delivery tube and a second side as recited in amended independent claim 1. Withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e) is requested.

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- B. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Lastovich, et al., U.S. Patent No. 6,808,506;

The Examiner's rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Lastovich, et al., is traversed. Independent claim 1 has been amended by the present amendment. No new matter has been introduced with the amendment of claim 1. Support for the amendment of claims 1 may be found on page 5 line 11 to page 6 line 10 and FIGS. 1 and 2.

The Applicant has thoroughly considered Examiner Mendez's remarks concerning the patentability of claim 1 over U.S. Patent No. 6,808,506 to Lastovich, et al., (hereinafter "the Lastovich patent"). The Applicant has also thoroughly read the Lastovich patent. In order for the Lastovich patent to anticipate the invention as presently claimed in amended claim 1, the Lastovich patent must disclose, teach, or suggest each and every claimed element of the Applicant's invention. The Lastovich patent does not disclose, teach, or suggest, at a minimum, a flexible delivery tube including a central lumen, a closed first end and an open second end and a flexible planar support base attached adjacent a first end of the delivery tube, the support base having a first side for supporting the flexible delivery tube and a second side as recited in amended independent claim 1. Withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e) is requested.

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- C. Claims 2-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney et al (U.S. Patent No. 4,235,234), in view of Douglas, Goldowsky (U.S. Patent No. 4,136,692) and Bierman et al. (U.S. Patent No. 6,428,515).

The Applicant has thoroughly considered Examiner Mendez's remarks concerning the patentability of claims 2-14 over Whitney et al (U.S. Patent No. 4,235,234), in view of Douglas, Goldowsky (U.S. Patent No. 4,136,692) and Bierman et al. (U.S. Patent No. 6,428,515). The Applicant respectfully traverses this 35 U.S.C. §103(a) rejection. Regarding claims 3 and 9-14, claims 3 and 9-14 have been cancelled by the present amendment. Withdrawal of the rejection of claims 3 and 9-14 is requested.

Regarding claims 2 and 4-8, where the base claim is non-obvious, claims depending therefrom are also non-obvious. Therefore, the withdrawal of the rejection of claims 2 and 4-8 under 35 U.S.C. 103(a) is respectfully requested.

- D. New claims 15-27 are allowable over the prior art for at least the same reasons as stated above for claims 1, 2 and 4-8. Support for new claims 15-27 can be found at least at page 5 line 11 to page 8 line 13 and FIGS. 1 to 7.

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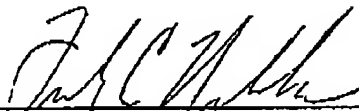
**SUMMARY**

Applicant believes that the application is in condition for allowance. Reconsideration and notification of allowance are respectfully requested.

Dated: May 23, 2005

Respectfully submitted,  
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